7.13.2026 - Draft

TOWN OF MIDDLEBURY
ORDINANCE REGULATING PUBLIC ASSEMBLIES

Section 1 - Authority
This civil ordinance ("Ordinance") is adopted by the Selectboard of the Town of Middlebury ("Town") under authority granted by 24 V.S.A. §§ 2291 (14), (15), 24 V.S.A. Chapter 59.

Section 2 - Purpose
The purpose of this ordinance is to protect, preserve and promote the health, safety, welfare, convenience, and peace and quiet for the citizens of Middlebury and ensure the Town's ability to provide municipal services to the public through the regulation of certain public assemblies. The Selectboard hereby recognizes the importance that facilitating the free exercise of the constitutional rights of free speech and expression and peaceful assembly on certain public property to a free and fair civil society. The Selectboard also acknowledges that certain large public assemblies not regulated by the Town can adversely affect the public health, safety, welfare, convenience, and peace and quiet of the Town by contributing to increased criminal activity, litter, noise and light pollution, traffic congestion, roadway obstructions, and undue strains on emergency services. The Selectboard therefore hereby declares that large-scale public assemblies not regulated by the Town constitute a public nuisance.

Section 3 - Definitions
For the purpose of this Ordinance, the following words and/or phrases will be defined as follows:

"Designated Location" means Town property(s), park(s), or highway(s) which are the preferred location(s) for public assemblies based on congestion and safety considerations on public roads, sidewalks, and other public rights-of-ways, and the compatibility of the neighborhood. These Designated Locations include: Cannon Park, Town Green, Triangle Park.

"Enforcement officer" means any law enforcement officer certified by the Vermont Criminal Justice Training Council or any other person designated as an enforcement officer by the Selectboard.

"Off-Limit Location" means: any traffic circle, bridge right-of-way, or any Town property(s), park(s), or highway(s), where a public assemblage cannot take place because of an immediate or highly significant health, safety, and/or traffic hazard present at the location due to the unique circumstances of the proposed assemblage.

"Person" means an individual, corporation, government, governmental subdivision or agency, business, estate, trust, partnership or association, or other legal entity.

"Public assembly" means a planned gathering of people, not for the purpose of entertainment, exhibition, or commercial activity, held entirely or partially on public property, outdoors or in temporary structures, which people are invited or expected to attend, the gathering is not regularly and routinely scheduled and conducted at such place, and there will likely be a need for municipal services and/or the assembly would block access to public property/streets.

"Public assembly" means a planned gathering of 10 or more individuals held entirely or partially on public property, outdoors or in temporary structures, which the individuals are invited or expected to attend, not conducted or promoted for profit or commercial purposes, and the gathering is not regularly and routinely scheduled and conducted at such place that does not unreasonably block access to public property or streets, or does not unreasonably require public municipal services.

"Public assembly permit" means a written statement, issued by the Town Manager, or designee, authorizing the holding of a public assembly under stated conditions as to time, place, and manner.

"Selectboard" means the Selectboard of the Town of Middlebury.

"Town" means the Town of Middlebury, Vermont.

“Town Manager, or designee” means the Town Manager of the Town of Middlebury, or any Town employee authorized by the Town Manager to administer public assemblage application/permits.

Section 4 - Permit Required
No public assembly may be conducted in the Town unless a public assembly permit has been obtained from the Town Manager, or authorized designee, in accordance with this Ordinance. Public assemblies that are organized or sponsored by the Town are not required to obtain a public assembly permit.

Section 5 - Process

1. **Application**
Any person who intends to hold, organize, or promote a public assembly within the Town must apply for a public assembly permit from the Town using the Public Assembly Application form provided by the Town Manager’s Office. The application must be in writing and must be signed by the applicant or an individual authorized to act for the applicant. An application will not be considered complete and therefore eligible for consideration by the Manager, or designee, unless the application fee is paid in full. A completed application must be submitted to the Town Manager’s Office at least 10 business days before the date of the public assembly. The Town Manager, or designee, may modify this time requirement for good cause, provided the public health and safety will not be jeopardized by such action. This includes spontaneous assemblies that happen organically, unplanned, and organized.

2. **Consideration**
Prior to any action by the Town Manager or designee, the Town Manager’s Office shall cause the application to be reviewed by Town departments including, but not limited to, police, fire, and public works. The Town Manager, or designee, may approve, approve with conditions/modifications, or deny each application upon consideration of the approval standards set forth in this Ordinance.

3. **Decision**
A written decision shall be issued within 15 business days from a completed application being submitted to the Town Manager’s Office. The Town Manager, or designee, may modify this time requirement for good cause, provided the public health and safety will not be jeopardized by such action. The Town Manager, or designee, must grant immediate verbal or written authorization when assemblies arise in response to and within 48 hours of a news event, provided the public health and safety will not be jeopardized by such action.

4. **Unusual Circumstances.**
If the Town Manager, or designee, determines that there is a reasonable likelihood that an assembly permitted by the State will substantially harm the public health, safety, or welfare, and this cannot be avoided by the imposition of conditions, the Town Manager, or designee, may apply to the Addison Superior Court for an order enjoining the public assembly from taking place.

Section 6 - Contents of Application
An application for a public assembly permit must contain the form provided by the Town and will be deemed complete if it includes the following:

1. The name, address, email, and telephone number of the applicant, the principal officers of the applicant (if applicable), the individual making the application (if different from applicant), and any other individual(s) authorized to represent the applicant group or entity applying for the permit;
2. The name/designation of the assembly;
3. The physical street address of the location where the assembly will be held;
4. If the applicant is not the owner of the premises where the assembly is to take place, the name and contact information of the owner or other person that has the authority to consent, in writing, to the use of the premises for the assembly;
5. The intended date(s) and hours of operation that the assembly will be conducted;
6. The maximum total number of people anticipated to participate in or attend the assembly, including

staff, volunteers, security, vendors, attendees, etc., and provisions for accommodating maximum estimated total;
7. A description of assembly, including a schedule and copies of all promotional activity in which the applicant has engaged or intends to engage;
8. A visual description of premises indicating location, layout, state and local highways, entrances and exits, traffic flow patterns, parking, and land uses of the surrounding area;
9. Details as to what arrangements have been made to protect the public health, safety, welfare, and convenience during the assembly including, but not limited to, arrangements for traffic control, crowd control, and waste and sanitation facilities;
10. Provisions for food and beverage, if any;
11. List of adjoining property owners to whom notice of the Public Assembly Application has been provided.
12. Any additional information the applicant wishes to furnish that assists the Town Manager's Office in determining that the assembly will comply with the applicable standards;
13. The signature of the applicant or an individual authorized to act for the applicant.

Section 7 - Approval Standards
Prior to the issuance of any permit under this article, the Town Manager, or designee, will determine that the proposed assembly satisfies the following standards:
1. The proposed assembly will be held on premises that are available at the requested time.
2. The proposed assembly will be held on premises that is not in violation of any applicable Town ordinances.
3. The proposed assembly will not result in undue adverse traffic congestion and unsafe conditions regarding the use of public roads, sidewalks, and other public rights-of-ways. Subject to conditions, a public assembly held at the designated location will be presumed to not result in undue adverse traffic congestion and unsafe conditions regarding the use of public roads, sidewalks, and other public rights-of-ways.
4. The proposed assembly will not present or create a threat to the safety of persons or property arising from fire, explosion, or other hazard.
5. The proposed assembly will not create unhealthy conditions regarding water supply, sewage disposal, or solid waste disposal. Public assemblies with anticipated attendance to exceed 50 individuals must provide or make available one toilet or portable toilet per 50 individuals.
6. The proposed assembly will not interfere with the use of neighboring properties for their customary use by the creation by the noise, dust, noxious odors, lighting, or other activities that extend beyond the boundary of the assembly. A public assembly held at the designated location will be presumed to not interfere with use of neighboring property for its customary use, unless unusual circumstances exist.
7. The proposed assembly will not overburden the public infrastructure of the Town. Special attention will be given to the cumulative impacts of other activities which may be occurring at the same time.
8. The proposed assembly does not have a history of non-compliance with permit conditions, disturbing the peace, or other impacts to the public health safety or welfare.
9. The proposed assembly is not anticipated to have an adverse effect on public health, safety, welfare, and convenience of the inhabitants of the town.

Section 8 - Approval Conditions
In addition, the Town Manager, or designee, may attach any such reasonable conditions as they may deem appropriate to mitigate or eliminate any impacts on the approval standards set forth above in Section 7. Such conditions may include, but are not limited to:
1. Establishing specific hours for the proposed assembly;
2. Establishing noise limits;
3. Requiring the provision of traffic control personnel at no cost to the Town;
4. Requiring the provision of crowd control and medical personnel at no cost to the Town;
5. Requiring the provision of firefighting equipment and personnel at no cost to the Town;
6. Requiring that trash and litter on public streets and public property attributable to the proposed assembly be collected and removed at no cost to the Town;
7. Prohibiting the sale of alcohol beverages in connection with the assembly;
8. Prohibiting the admission of individuals in excess of the established capacity of the assembly area;

9. Requiring public sanitation, water, and emergency medical facilities, as necessary, at no cost to the Town;
10. Ensuring the time, place, and duration of the assembly is suitable in view of the number of persons expected to attend;
11. The assembly will not substantially impair the provision of fire and police protection, medical services, and other essential public services.

Section 9 - Enforcement

Failure to obtain a permit as required by this Ordinance, failure to abide by the terms and/or conditions of a public assembly permit, or misrepresentation of any information contained within or in support of a public assembly permit application will constitute a violation of this Ordinance.

1. A violation of this Ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Addison Superior Court, at the election of the Town Manager, or designee.
2. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any enforcement officer shall have the authority to issue tickets and represent the Town at any Judicial Bureau hearing.
3. Violations enforced in the Superior Court will be in accordance with the Vermont Rules of Civil Procedure. The Town may pursue all appropriate relief.

Section 10 - Penalties & Cost

1. The enforcement officer is authorized to recover civil penalties for violations of this Ordinance in the following amounts for each violation:

First offense:	warning or [$100] full penalty / [$50] waiver penalty
Second offense:	[$200] full penalty / [$100] waiver penalty
Third offense:	[$400] full penalty / [$200] waiver penalty
Subsequent offense(s):	[$800] full penalty / [$400] waiver penalty

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2. The enforcement officer is authorized to recover a waiver fee, in lieu of a civil penalty, in the stated amount, for any person who declines to contest a municipal complaint and voluntarily pays the waiver fee.

3. Determining the sequence of offenses for violations of this Ordinance will be as follows: a subsequent violation that is identical to, and that occurs within 6 months of a previous violation will be considered a higher offense (i.e. second, third, or subsequent offense). Any subsequent identical violation that occurs after 6 months of a previous identical violation will be considered a new, first offense.

4. A warning will not be counted towards the calculation of the number of offenses under this Ordinance.

5. In addition to the penalties available for enforcement of a violation(s), a permit may be immediately revoked if:
   a. The application for a public assembly permit contains any false or materially misleading information; or
   b. The permittee fails to comply with any conditions/modifications set forth in their public assembly permit; or
   c. The permittee violates any provision of this Ordinance.

Section 11 - Other Laws

This Ordinance is in addition to all other ordinances of the Town and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, policies, or other documents inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 12 - Severability

If any section of this ordinance is held by a court of competent jurisdiction to be invalid such finding shall not invalidate any other part of this Ordinance. If any statute referred to in this Ordinance is amended, this Ordinance will be deemed to refer to such amended statute.

Section 13 - Effective Date
This Ordinance shall become effective 60 days after adoption by the Selectboard. If a petition is filed under 24 V.S.A. §1973, in which case that statute shall govern the effective date of this Ordinance.

Adopted this _____ day of _____, 2026.

_____
_____
_____
_____
_____

Adoption History

1. Agenda item at Selectboard meeting held on _____.
2. Read and approved at Selectboard meeting on _____ and entered in the minutes of that meeting which were approved on _____.
3. Posted in public places on _____.
4. Notice of adoption published in the _____ newspaper on _____ with a notice of the right to petition.
5. List other actions [petitions, etc.]_____.

APPENDIX A

TOWN OF MIDDLEBURY, VERMONT
PUBLIC ASSEMBLY APPLICATION FORM

Name(s) of Applicant(s): _____

Address, email, and telephone number of Applicant(s):
_____

If Applicant is an organization or corporate entity, list the principal officers of Applicant and any other individual authorized to represent the applicant group or entity applying for the permit:
_____
_____
_____

If Applicant is an organization or corporate entity, list the name address, email and telephone number of individual making the application:
_____
_____

Name / designation of assembly:
_____

The physical street address(es) of the location(s) where the assembly is to be held. If a parade, march, or similar assembly that will traverse the Town's highways, list all staging areas and the route that will be taken:

_____

The intended date(s) and hours of operation that the assembly will be conducted:
_____

The maximum estimated total number of people anticipated to participate in or attend the assembly including staff, volunteers, attendees, etc., and provisions for accommodating the total:
_____

Provide a description of the assembly including a schedule and attach copies of all promotional activity the applicant has engaged in or intends to engage in:
_____
_____
_____
_____
_____

Attach a visual depiction of the premises indicating location, layout, state and local highways, entrances and exits, traffic flow patterns, parking and land uses of the surrounding area.

Describe the arrangements that have been made to protect the public health, safety, welfare and convenience during the assembly including, but not limited to, arrangements for traffic control, crowd control, waste and sanitation facilities:
_____
_____
_____
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_____

List the provisions for food and beverage, if any:
_____
_____
_____

List of adjoining property owners to whom notice of the Public Assembly Application has been provided.
_____
_____
_____

Provide any additional information that may assist the Town in determining that the assembly will comply with the applicable standards set forth in this Ordinance:
_____
_____
_____
_____
_____

Signature of the applicant or an individual authorized to act for the applicant:

_____
(Signature)

_____
(Date)